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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

APR 5 2005

In re Application of:
Shinsuke ITO et al
Serial No.: 10/000,309
Filed: December 4, 2001
For: Docket No. 111055

DECISION ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.181, filed July 15, 2004, to withdraw the holding of abandonment of the above-identified application and to re-mail the final Office action of January 15, 2004.

The petition is GRANTED.

A final Office action was mailed January 15, 2004, setting a three-month shorten statutory period for response.


Petitioner asserts that the final Office action mailed on January 15, 2004 was not received. To support this assertion, petitioner includes a copy of the docket records for the Law Firm of Oliff & Berridge, PLC listing all the responses in their office with a due date of July 15, 2004, had the January 15, 2004 final Office action been received it would have entered into the docket records showing a date stamped of January 15, 2004 and a due date of July 15, 2004.

A review of the written record indicates that the final Office action was returned as undelivered mail by the US Postal Service on January 21, 2004. The record does not indicate that the final Office action was re-mailed pursuant to MPEP 707.13.

For the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn. The final Office action will be re-mailed and period for response will be reset to run three months from the date it is re-mailed.

The delay in re-mailing the final Office action and any inconvenience it may have caused the petitioner is regretted. The Notice of Appeal fee (\$330.00) and the Extension of Time fee (\$950.00) paid on July 15, 2004 will be refunded to your Deposit Account No. 15-0461.

Questions regarding this decision should be directed to Jose' G. Dees at (571) 272-1569.



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